

CITY OF SAN JOSÉ
HOUSING AND COMMUNITY DEVELOPMENT
COMMISSION

February 11, 2016 AT 5:45 PM
SAN JOSÉ CITY HALL
200 E. SANTA CLARA ST.
LOCATION: TOWER ROOM 1446
SAN JOSÉ, CA 95113



Martha O'Connell, Chairperson
Davlyn Jones, Vice Chair

Commissioners

Michael Fitzgerald
Bob Gill
Mike Graves

Victoria Johnson
Melissa Medina
Steven Neff

Gary Prideaux
Alex Shoor
Lee Thompson

Members of the public who wish to make comments on any item on the Agenda, or any other item related to the Commission's purview, may be given two (2) minutes. Please note that: (1) the Commission will only be able to discuss comments to items on the Agenda; and (2) the time schedule shown below is approximate and intended only to notify the Commission of the approximate amount of time staff expects each item might take, and items may be heard before or after the times shown.

TIME*	AGENDA ITEM
5:45	(a) Call to Order/Orders of the Day
5:50	(b) Introductions
5:55	(c) Approval of Minutes for the January 14, 2016 Regular Meeting ACTION: Recommend approval of the January 14, 2016 minutes
6:00	(d) Chair's Report (M. O'Connell, Chair)
6:05	(e) Crime-Free Multi-Family Housing Update ACTION: Discussion and input from the Commission to the Housing Department on the Crime-Free Multi-family concept. The Crime Free Multi-Family Housing concept is a program designed to create safer environments through education, information sharing, and facilitating the eviction process.
6:25	(f) Homeless Response Update (R. Bramson, Housing Department) ACTION: Discussion and input from the Commission to the Housing Department on the verbal Homeless Response Update Report
6:45	(g) Director's Report (D. Bopf, Housing Department) Upcoming HCDC agenda items Update on City Council priority items

HCDC Ordinance Amendments

- 6:55 (h) Open Forum
- 7:00 (i) Adjournment

**HCDC meetings start at 5:45 pm. All other times listed for the specific agenda topics are estimates. Actual start times may deviate from the estimate provided.*

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the City of San Jose Housing Department, 200 E. Santa Clara St., 12th Floor, San Jose, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

To request an accommodation for this meeting or an alternative format for any related printed materials, please contact Robert Lopez at 408-975-4402 or Robert.Lopez@sanjoseca.gov or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting.

Para residentes que hablan español: Si desea mas información, favor de llamar a Theresa Ramos al 408-975-4475.

Riêng đối với quý vị nói tiếng Việt : Muốn biết thêm chi-tiết, xin vui lòng tiếp xúc với Therese Tran, Đ.T. 408-793-5349.

對於說華語的居民: 請電 408-975-4450 向 Ann Tu 詢問詳細事宜。說粵語的居民則請撥打 408-975-4425 與 Yen Tiet 聯絡。

Para sa mga residente na ang wika ay tagalog: Kung kinakailangan pa ninyo ng inpormasyon, tawagan si Arlene Silverio sa 408-793-5542. Salamat Po.

***You can access the agenda and all attachments electronically at the Housing & Community Development Commission website at : <http://www.sanjoseca.gov/index.aspx?NID=1262>

HOUSING & COMMUNITY DEVELOPMENT COMMISSION**REGULAR MEETING ACTION MINUTES****JANUARY 14, 2016**

MEMBERS PRESENT:

Martha O'Connell	Chair
Davlyn Jones	Vice Chair
Michael Fitzgerald	Commissioner
Bob Gill	Commissioner
Mike Graves	Commissioner
Alex Shoor	Commissioner
Victoria Johnson	Commissioner (arrived at 6:05pm)
Steven Neff	Commissioner
Lee Thompson	Commissioner
Gary Prideaux	Commissioner

MEMBERS ABSENT: Melissa Medina Commissioner

STAFF:

Wayne Chen	Housing Department
Adam Marcus	Housing Department
Jenny Nusbaum	Planning Department
Robert Lopez	Housing Department
Dan Block	Vice Mayor Herrera's Office

(a) **Call to Order/Orders of the Day**—Chair O'Connell opened the meeting at 5:57pm. Commissioner Jones made the motion to approve the Orders of the Day with a second by Commissioner Graves. The motion passed unanimously (9:0).

(b) **Introductions**—Commissioners, staff, and audience introduced themselves.

(c) Approval of the Action Minutes for the November 12, 2015 Regular Meeting

Commissioner Graves made the motion to approve the minutes for the November 12, 2015 regular meeting with a second by Commissioner Gill. The motion passed unanimously (9:0).

(d) Chair's Report (Chair O'Connell)

Chair O'Connell announced that she would be recusing herself from Items (f) and (g) without prejudice to any future commissioner who lives in a mobilehome.

(e) Nomination and Election of Vice Chair (M. O'Connell, Chair)

Chair O'Connell nominated Commissioner Jones for Vice Chair with a second by Mike Graves.

Commissioner Thompson nominated Commissioner Shoor for Vice Chair with a second by Commissioner Graves.

DRAFT

Commissioner Jones was elected to Vice Chair with a term through June 2016 with 6 votes (O'Connell, Graves, Gill, Neff, Jones, Fitzgerald) against 3 votes for Commissioner Shoor (Prideaux, Shoor, Thompson).

Chair O'Connell left the dais to recuse herself from the next items and Vice Chair Jones assumed the role of Chair.

(f) Mobilehome Park Conversion-Council Policy and General Plan, Zoning Ordinance Amendments (A. Marcus, Housing Department)

Ms. Nusbaum and Mr. Marcus presented the Mobilehome Park Conversion Council Policy and General Plan Zoning Ordinance Amendments, as well as fielded questions and comments from commissioners and public.

Commissioner Shoor made the motion to change the wording of the General Plan Text Amendments from "encourage" to "require" with a second by Commissioner Neff. The motion passed 5-4 with Commissioners Graves, Thompson, Prideaux, and Fitzgerald against. Chair O'Connell recused from the vote prior to discussion.

Commissioner Thompson made the motion to recommend that the City Council accept the General Plan Text Amendments as proposed by staff except for Commissioner Shoor's motion to change the wording. The motion was seconded by Commissioner Shoor. The motion passed 7-2 with Commissioners Graves and Fitzgerald against. Chair O'Connell recused from the vote prior to discussion.

Commissioner Thompson made the motion to recommend that the City Council accept the Zoning Code Amendments to Title 20 of the San Jose Municipal Code as proposed by staff with a second by Commissioner Shoor. The motion passed 7-2 with Commissioners Graves and Fitzgerald against. Chair O'Connell recused from the vote prior to discussion.

Commissioner Thompson made the motion to recommend that the City Council accept the incorporation of a new City Council Policy new provisions for consideration of mobilehome park conversion to other uses as proposed by staff with a second by Commissioner Shoor. The motion passed 7-2 with Commissioners Graves and Fitzgerald against. Chair O'Connell recused from the vote prior to discussion.

(g) Mobilehome "Opt-in/Stay In Business" Concept (A. Marcus, Housing Department)

Mr. Marcus summarized the meetings with the focus groups and answered questions from the commissioners and public.

Commissioner Graves made the motion to recommend to the Community and Economic Development Committee that staff should continue to study and work on the "Opt-in/Stay in Business" Concept with a second by Commissioner Fitzgerald. The motion failed 2-7 with Commissioners Graves and Fitzgerald for the motion. Chair O'Connell recused from the vote prior to discussion.

Commissioner Thompson made the motion to recommend to the Community and Economic Development Committee that staff should cease work on the "Opt-in/Stay in Business" Concept with a second by Commissioner Johnson. The motion passed 6-2-1 with Commissioners Graves and Fitzgerald against and Vice Chair Jones abstaining from the vote. Chair O'Connell recused from the vote prior to discussion.

Chair O'Connell resumed her role as Chair

DRAFT

(h) Director's Report (W. Chen, Housing Department)

Mr. Chen reported that the Crime Free Multi-Housing program update would be heard in February. Mr. Chen also reported that the Commission will be hearing about the apartment rent ordinance in March and April. Mr. Chen alerted the Commission to recent City Council actions pertaining to Housing and Homeless can be found on the City's website.

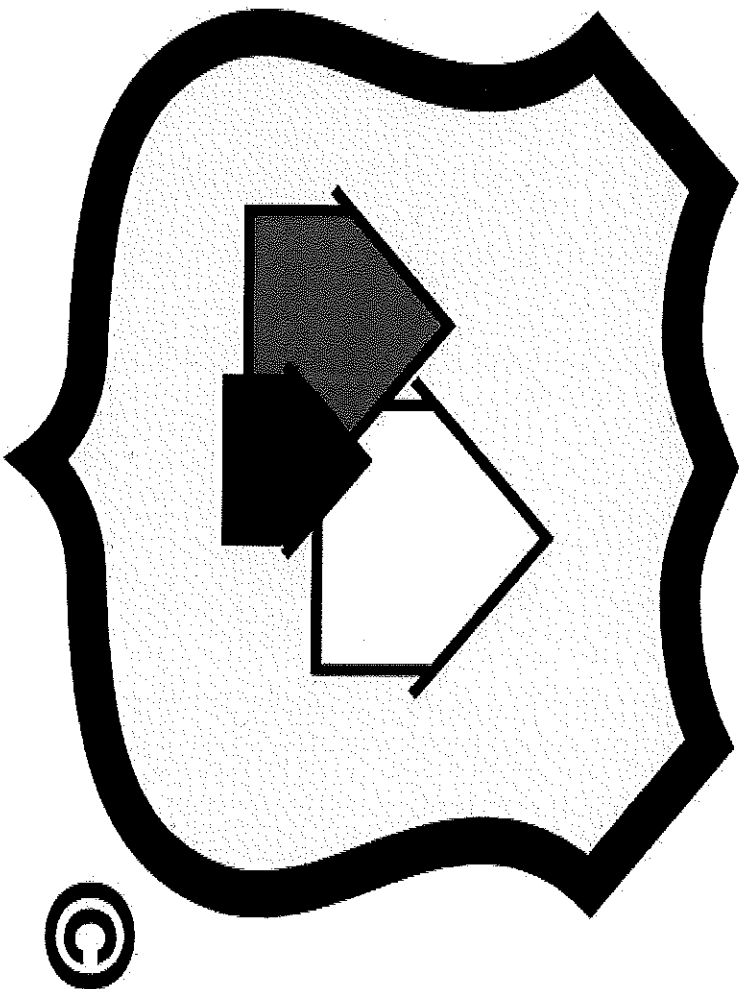
(k) Open Forum

Commissioner Graves requested that he would like to hear a report from the Rental Rights group on how letters are sent out and collected.

(l) Adjournment

Chair O'Connell adjourned the meeting at 8:52pm.

Crime Free Multi-Housing Program





Three Phase Approach

Three phase approach that ensures resident friendly techniques to achieve crime prevention goals

- Phase I: Property Management & Team 8 hour training
- Phase II: Security Assessment – Crime Prevention through Environmental Design (CPTED)
- Phase III: Resident Engagement – Safety Social



Phase I – Managers Learn

Best Practices Managing Multi-Family Properties

- How to use crime prevention techniques on their property
- Benefits of applicant screening
- Basic Fair Housing
- Crisis resolution and the eviction process
- How to maintain a fire safe environment
- The warning signs of drug activity and gang recognition
- Tips for drug and Actions to take if they suspect illegal activity on their property
- Understanding criminal background checks

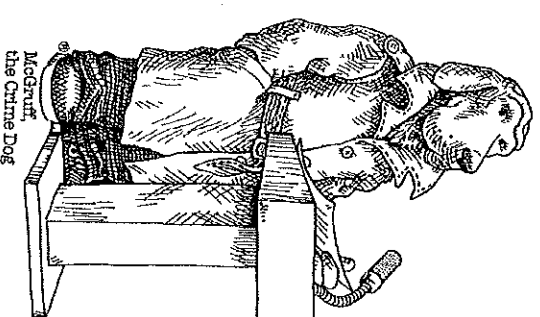
Phase II - C.P.T.E.D.

- Crime Prevention Through Environmental Design (CPTED)
- Reduce crime and fear by reducing criminal opportunity



Phase III - Resident Engagement and Training

Required Topics



- CFMH overview and shared responsibilities
 - ☐ Management's concerns
 - ☐ Residents' concerns
- Apply Neighborhood Watch program/principles
 - ☐ Property crime concerns/personal safety tips
 - ☐ Using 9-1-1
 - ☐ Being proactive by getting to know your neighbors
 - ☐ Resources



Crime Free Lease Addendum

- Addendum is a civic contract between the landlord and tenant whereby the rental applicant agrees prior to tenancy to abide by the rules of the property and not participate in or allow criminal activity to occur within their sphere of influence.
- Resident, any member of the resident's household or a guest or other persons affiliated with the resident shall not engage in any illegal activity, including ***drug-related criminal activity, prostitution, criminal street gang activity, assault & battery, discharge of fire arms, sexual offenses, and any act intended to facilitate criminal activity*** on or near the premises.
- Violation of the above ***illegal activities*** shall be a good cause for immediate termination of the tenant and proof of violation shall not require a criminal conviction.



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Councilmember Johnny Khamis
Councilmember Tam Nguyen

SUBJECT: CRIME FREE MULTI-
HOUSING PROGRAM

DATE: September 24, 2015

APPROVED:

DATE: 09/24/15

RECOMMENDATION

1. Direct the City Manager to report out, at the October 6, 2015 City Council meeting, on progress toward the implementation of an opt-in Crime Free Multi-Housing Program to be supported by the San Jose Police Department (SJPd).
2. Place the item on the October 14, 2015 Neighborhoods Commission agenda for review so that they may provide feedback to the City Council.
3. Place the Crime Free Multi-Housing Program implementation plan on the October 27, 2015 Council Agenda for discussion and action.

BACKGROUND

The Crime Free Multi-Housing Program has been discussed, at length, for almost two years, with staff from the SJPd, the Housing Department, and other stakeholders. These discussions have reached an impasse and it is now time for the City Council to break the logjam. The SJPd are prepared to move forward, and we should move forward without further delay.

Our low-income residents deserve to live in safe neighborhoods, which is the reason we are bringing forward this crime-fighting tool for San Jose. Residents living in marginalized neighborhoods are often afraid to call police because criminals leave the neighborhood for a short period of time and always return. The Crime Free Multi-Housing Program will ensure that all residents understand that committing crimes in multi-unit housing properties will subject them to eviction.

HONORABLE MAYOR AND CITY COUNCIL MEMBERS
September 23, 2015
Subject: Crime Free Multi-Housing Program
Page 2

The Crime Free Multi-Housing Program started in Mesa, AZ in 1992 and is recognized nationally as a best practice for use with multi-family residences where residents and rental-unit providers have struggled with problems of gang activity and other crimes. During the last 23 years, over 2000 cities across the country have implemented the program in hotspot neighborhoods to deal with gang activity and to create a safe haven for the low-income residents living there. This is an opt-in program - a tool that people can utilize to preserve the safety and social cohesion of their neighborhoods.

In the Bay Area, we are surrounded by the following eight cities who are successfully using this program to turn around neighborhoods suffering from more than their share of crime: Fremont, Union City, Hayward, Pleasanton, Dublin, San Leandro, Livermore, and Richmond. Larger communities, such as the City of San Diego and Los Angeles County, are using the program to deal with inner-city crime and gang activity.

The program works largely because of the strong relationships, trust, and mutual respect that develops between the police, the providers and managers of rental housing, and tenants. After completing "Train the Trainer" classes, law enforcement then trains rental property providers and managers who are willing to implement the program on their premises on how the program works.

A centerpiece of the program is a Crime Free Multi-Housing Addendum which calls out all of the rental and lease conditions related to prohibitions on criminal activity that already exists in a thorough rental/lease agreement. It ensures that the individual signing the agreement is aware he or she will be living in a multi-housing property which has zero tolerance for criminal activity.

Communities who have implemented this program have experienced a decrease of 40% in calls for service and over a 60% drop in police reports. The Crime Free Multi-Housing Program can ultimately reduce the burden on our short-staffed SJPD by providing an important tool to residents and the providers of rental units to hold criminals accountable. Our residents deserve to live in safe neighborhoods regardless of their income, and the Crime Free Multi-Housing Program will help make this happen.

The Crime Free Multi-Housing Program has been discussed, at length, for almost two years, with staff from the SJPD, the Housing Department, and other stakeholders. These discussions have reached an impasse and it is now time for the City Council to break the log-jam. The SJPD are prepared to move forward, and we should move forward without further delay.

Attachments (2):
Crime Free Multi-Housing Program information
Sample Crime Free Housing Addendum

Crime Free Lease Addendum

In consideration of the execution or renewal of a lease of the dwelling unit identified in the lease, Owner and Resident agree as follows:

1. Resident, any members of the resident's household or a guest or other person under the resident's control shall not engage in criminal activity, including drug-related criminal activity, on or off the said premises. 'Drug-related criminal activity' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802]).

2. Resident, any member of the resident's household or a guest or other person under the resident's control shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or off the said premises.

3. Resident or members of the household will not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.

4. Resident, any member of the resident's household or a guest, or another person under the resident's control shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance as defined in Health & Safety Code 11350, 11351, 11377, 11378, 11550 and 11379.6, at any locations, whether on or off the dwelling unit premises.

5. Resident, any member of the resident's household, or a guest or another person under the resident's control shall not engage in any illegal activity, including: prostitution as defined in Penal Code '647(b); criminal street gang activity, as defined in Penal Code '186.22 et seq.; assault and battery, as prohibited in Penal Code '240/242; threatening or intimidating as prohibited in California Penal Code 422; burglary, as prohibited in Penal Code '459; the unlawful use and discharge of firearms, as prohibited in Penal Code '245, including but not limited to the unlawful discharge of a weapon, on or off the dwelling unit premises, or any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the landlord, his agent, or other tenant, or involving imminent or actual serious property damage, as defined in California Civil Code.; sexual offenses, as prohibited in Penal Code '269 and 288, or any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the landlord, his agent or other tenant or involving imminent or actual serious property damage;

6. VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY. A single violation of any of the provisions of this added addendum shall be deemed a serious violation and a material and irreparable non-compliance. It is understood that a single violation shall be good cause for termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by a preponderance of the evidence.

7. In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of the addendum shall govern.

8. This LEASE ADDENDUM is incorporated into the lease executed or renewed this day between Owner and Resident.

Resident Signature

Date: _____

Resident Signature

Date: _____

Resident Signature

Date: _____

Property Manager's Signature

Date: _____

Safe and Peaceful Communities Addendum~~Crime Free Lease Addendum~~

In consideration of the execution or renewal of a lease of the dwelling unit identified in the lease, Property Owner and Resident agree as follows:

1. Resident, any members of the resident's household or a guest or other person under the resident's control shall not engage in criminal activity, including drug-related criminal activity, on or off the said premises. "Drug related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802]).

2. Resident, any member of the resident's household or a guest or other person under the resident's control shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or near off the property said premises. Nor shall they allow said activity to disturb, inconvenience or interfere with the safety, peace and quiet of any other tenant near by guests, management, or staff of the property.

23. Resident or members of the household will not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.

34. Resident, any member of the resident's household or a guest, or another person under the resident's control shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance as defined in both Section 102 of the Controlled Substance Act [21 U.S.C. 802] and Health & Safety Code 11350, 11351, 11377, 11378, 11550 and 11379.6, at any locations, whether on or near off the dwelling unit premises.

45. Resident, any member of the resident's household, or a guest or another person under the resident's control shall not engage in any illegal activity, including: prostitution as defined in Penal Code '647(b); criminal street gang activity, as defined in Penal Code '186.22 et seq.; assault and battery as prohibited in Penal Code '240/242; threatening or intimidating as prohibited in California Penal Code 422; burglary, as prohibited in Penal Code '459; the unlawful use and discharge of firearms, as prohibited in Penal Code '245, including but not limited to the unlawful discharge of a weapon, on or off the dwelling unit premises, or any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the landlord, his agent, or other tenant, or involving imminent or actual serious property damage, as defined in California Civil Code; sexual offenses, as prohibited in Penal Code '269 and 288, or any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the landlord, his agent or other tenant or involving imminent or actual serious property damage.

56. VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY. A single violation of any of the provisions of this added addendum shall be deemed a serious violation and a material and irreparable non-compliance. It is understood that a single violation shall be good cause for termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by a preponderance of the evidence.

67. In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of the addendum shall govern.

78. This LEASE ADDENDUM is incorporated into the lease executed or renewed this day between Owner and Resident.

Resident Signature

Date:

Resident Signature

Date:

Resident Signature

Date: _____

Property Manager's Signature

Date: _____

Egm/km: 9.17.15

DRAFT

Crime Free Multi-Housing

Keep Illegal Activity Off Rental Property

The Crime Free Multi-Housing Program is a, state-of-the-art, crime prevention program designed to reduce crime, drugs, and gangs on apartment properties. This program was successfully developed at the Mesa Arizona Police Department in 1992. The International Crime Free Multi-Housing Program has spread to nearly 2,000 cities in 48 U.S. States, 5 Canadian Provinces, England, Nigeria, and Puerto Rico, to name a few.

The program consists of three phases that must be completed under the supervision of the local police department. Property managers can become individually certified after completing training in each phase and the property becomes certified upon successful completion of all three phases.

The anticipated benefits are reduced police calls for service, a more stable resident base, and reduced exposure to civil liability.

Training Coordinators

The program begins with the training of a law enforcement agency coordinators who will administer the program in their jurisdiction. Each Crime Free Multi-Housing Coordinator receives 24-hours of intensive training and becomes certified as an instructor of the program. The Crime Free Program Coordinators return to their cities and begin to provide training and certify apartment properties in their community. Fully certified properties have reported reductions in police calls for service up to 70% over previous years. The heart and soul of the program is in the correct implementation and use of the Crime Free Lease Addendum.

Crime Free Multi-Housing Program Benefits:

- A stable, more satisfied tenant base. Increased demand for rental units with a reputation for active management
- Lower maintenance and repair costs. Increased property values
- Improved personal safety for tenants, landlords, and managers

Costs of Drug Activity In Rental Property

When drug criminals and other destructive tenants operate out of rental property, neighborhoods suffer and landlords pay a high price. That price may include:

- Decline in property values -- particularly when the activity begins affecting the reputation of the neighborhood
- Property damage arising from abuse, retaliation, or neglect; property damage from police raids

- Fire resulting from manufacturing or growing operations. Civil penalties, including temporary closure of the property -- or even property seizure. Loss of rent during the eviction and repair periods
- Fear and frustration when dealing with dangerous and threatening tenants. Increased resentment and anger between neighbors and property managers
- The loss of other valued tenants

Here is a brief outline of the program contents:

Phase I - Management Training (8-Hours) Taught by the Police

- Crime Prevention Theory
- CPTED Theory (Physical Security)
- Benefits of Resident Screening
- Lease Agreements and Eviction Issues
- Crime Free Lease Addendum
- Key Control and Master Key Use
- On-Going Security Management Monitoring and Responding to Criminal Activity
- Gangs, Drugs Activity, and Crime Prevention
- Legal Warnings, Notices & Evictions Working Smarter With the Police Fire and Life Safety Training Community Awareness

A 100-page resource manual is supplied with additional handouts.

Phase II - CPTED - Survey by the Police

- Crime Prevention Through Environmental Design Survey (CPTED)
- Minimum door, window, and lock standards compliance inspection
- Minimum exterior lighting standards evaluation
- Key Control procedures evaluation
- Landscape maintenance standards compliance

Phase III - Community Awareness Training

- Annual crime prevention social taught by property management and police
- Community awareness and continuous participation is encouraged

Full certification (gold certificate) permits the right to post the Crime Free Multi-Housing Program sign and advertise membership in the Crime Free Multi-Housing Program in the print media using the official logo. This certificate expires every year unless renewed following compliance with Phases I & II.

Crime Free Conference - Orlando, Florida July 8-10, 2015

Links to our Associate Members



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: David Sykes

SUBJECT: SEE BELOW

DATE: October 14, 2015

Approved

Date

**SUBJECT: FOLLOW UP TO DIRECTION REGARDING THE CRIME FREE
MULTI-HOUSING PROGRAM**

RECOMMENDATION

That the Rules and Open Government Committee:

- (a) Accept the response from the Neighborhoods Commission; and
- (b) Direct staff to coordinate community stakeholder outreach and return to the Rules and Open Government Committee in March 2016 with analysis from the Police and Housing Departments as well as legal analysis from the City Attorney.

BACKGROUND AND ANALYSIS

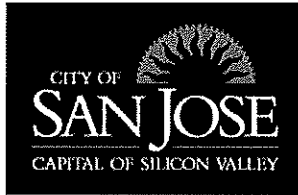
At the October 7, 2015 Rules Committee meeting direction was given to the Neighborhoods Commission to determine if they would be to do outreach on the Crime Free Multi-Housing Program as a part of their current workplan. On October 14, 2015, the Neighborhoods Commission held a meeting and discussed this direction. Their response letter is attached to this memorandum.

In addition, staff was directed to coordinate community stakeholder outreach and return to the Neighborhood Services and Education Committee in March 2016 with analysis from the Police and Housing Departments as well as legal analysis of from the City Attorney. However, due to Brown Act restrictions, this item cannot return to either the Neighborhood Services and Education Committee or the Public Safety and Strategic Support Committee. It is staff's recommendation that this item return to the Rules and Open Government Committee in March 2016 with analysis from the Police and Housing Departments as well as legal analysis from the City Attorney.

DAVID SYKES
Assistant City Manager

For questions, please contact David Sykes, Assistant City Manager, at (408) 535-8185.

Attachment



City of San José

Neighborhoods Commission

October 15, 2015

Honorable Mayor Liccardo and Members of the Rules & Open Government Committee
City of San José
200 East Santa Clara Street
San José, CA 95113

re: Neighborhoods Commission and the proposed Crime Free Multi-Housing Program

Mayor Liccardo and Members of the Rules & Open Government Committee,

The Rules & Open Government Committee discussed a proposal for a Crime Free Multi-Housing (CFMH) Program on October 7, 2015. The proposal initially included a request that the item be placed on the Neighborhoods Commission agenda for review to provide feedback to the City Council. Vice Mayor Herrera noted that the Rules Committee had just approved the Neighborhoods Commission's rather full 2015-16 Work Plan. After discussion by the Rules Committee members, the adopted motion was that the CFMH Program would be reviewed by the Council's Neighborhood Services & Education Committee. In addition, the Neighborhoods Commission was to be asked whether they felt that they too could contribute and if their schedule would permit it, with a reply requested by Oct. 21st.

The topic was added to the Neighborhoods Commission's Oct. 14th agenda (see item C-3 in <http://sanjoseca.gov/DocumentCenter/View/46904>: "Potential Addition to Commission's Adopted Workplan. Referral from the City Council's Rules and Open Government Committee".)

The Commission had a thorough and spirited discussion of the issue at our October meeting. While we recognized the importance of the topic, a majority of the Commission felt that it was beyond the expertise of the Neighborhoods Commission members, that the topic would be better handled by the Housing & Community Development Commission, and that the effort could impede the Neighborhoods Commission as we try to address the numerous items in our approved Work Plan. Accordingly, we voted to decline the invitation to participate in the task of coordinating public comment on the CFMH Program.

The CFMH proposal is important but complex, and it is quite likely there may be details that might have unintended consequences if improperly implemented. While it is likely that a number of members of the Neighborhoods Commission will want to participate in the public discussions as individuals, the Neighborhoods Commission as a whole will not.

We appreciate the request to participate, and we hope that we may be of assistance on future issues.

Lawrence L. Ames, Chair, SJ Neighborhoods Commission

AGENDA: 10-21-15
ITEM: G.3



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Councilmember Carrasco

SUBJECT: SEE BELOW

DATE: October 21, 2015

APPROVED:

DATE: 10-21-2015

SUBJECT: CRIME FREE MULTI-HOUSING PROGRAM

RECOMMENDATION

Approve staff recommendation and direct staff to include in the outreach process the gathering of information on:

- (a) Alternate solutions and/or programs to the Crime Free Multi-Housing Program
- (b) Possible solutions to the impact this program will have on homelessness

BACKGROUND

On October 7, 2015 the Rules and Open Government Committee discussed a Crime Free Multi-Housing Program memo submitted by Councilmembers Khamis and Nguyen. Though I appreciate the Councilmembers desire to pursue safe neighborhoods, the members of this committee and more importantly the members of our community are left with many unanswered questions.

A well-coordinated robust community/stakeholder outreach process is a must as we move forward with support of a program like this. Many members of our community have approached me with concerns ranging from eviction upon arrest not conviction, to the displacement of innocent residents because of the actions of another. Not only is innocent tenant displacement a concern but we may potentially evict those who are victims of crime. In the outreach process I encourage city staff including SJPD to explore other options to protect our residents from criminal activity, not just forceful eviction.

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Julie Edmonds-Mares

**SUBJECT: CRIME FREE MULTI-HOUSING
PROGRAM UPDATE**

DATE: December 18, 2015

Approved



Date

12/18/15

INFORMATION

The purpose of this memorandum is to provide the City Council with an updated community outreach meeting schedule for the Crime Free Multi-family Pilot Program (Pilot Program). On October 21, 2015, the Rules and Open Government Committee (Committee) directed staff to coordinate community stakeholder outreach and return to the Committee in March 2016 with an analysis of the Pilot Program from the Police Department, the Housing Department and the City Attorney's Office. After meeting with the City's facilitation consultant to evaluate the schedule and workplan, City staff decided to update the outreach schedule to include stakeholder meetings before and after the four community meetings. City staff and the consultant felt that it was important for the stakeholders to hear directly from the community before developing Program recommendations.

This schedule ensures that the stakeholders meet prior to the community outreach meetings to gain a basic understanding of the Pilot Program model, Program elements, and to prepare for the broader community meetings. After receiving community feedback, the stakeholders will reconvene to evaluate community feedback, assess program components, and provide program recommendations. The stakeholder recommendations will inform the staff report that will be presented to the Rules and Open Government Committee in March 2016.

The following is a timeline outlining the updated meeting schedules:

<u>ACTION ITEM</u>	<u>TIMELINE</u>
Staff Meetings with Stakeholder Groups Bascom Community Center 1000 S Bascom Ave, San José, CA 95128 Purpose: Crime Free Program Overview	December 10, 2015 1:00 p.m. – 3:00 p.m.
Community Outreach Meeting Cornerstone Community Church 5655 Gallup Dr., San José, CA 95118	January 6, 2016 7:00 p.m. – 8:30 p.m.
Community Outreach Meeting Alpha Blanco Alvarado Middle School 1601 Cunningham Ave., San José, CA 95122	January 7, 2016 7:00 p.m. – 8:30 p.m.
Community Outreach Meeting Emanuel Lutheran Church 1710 Moorpark Ave., San José, CA 95128	January 14, 2016 7:00 p.m. – 8:30 p.m.
Community Outreach Meeting McKinley Community Center 651 Macredes Ave., San José, CA 95116	January 19, 2016 7:00 p.m. – 8:30 p.m.
Staff Meetings with Stakeholder Groups Bascom Community Center 1000 S Bascom Ave., San José, CA 95128 Purpose: Evaluate Community Input and Assess Program Components	January 21, 2016 1:00 p.m. – 3:00 p.m.
Staff Meetings with Stakeholder Groups Bascom Community Center 1000 S Bascom Ave., San José, CA 95128 Purpose: Assist in Developing staff report	January 28, 2016 1:00 p.m. – 3:00 p.m.
Housing and Community Development Commission Meeting City Hall Wing Rooms 118 & 119 200 East Santa Clara St., San José, CA 95113	March 10, 2016 5:45 p.m.
Report to Rules Committee	March 2016

HONORABLE MAYOR AND CITY COUNCIL

December 18, 2015

Subject: Crime Free Multi-Housing Program Update

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All community outreach meetings will be widely published. In an effort to ensure an open and transparent community process, City staff will be tracking and documenting all public comments throughout this process.

COORDINATION

This memorandum was coordinated with the Police Department and the Housing Department.

A handwritten signature in black ink, appearing to read 'Julie Edmonds-Mares', is positioned above the printed name.

JULIE EDMONDS-MARES
Deputy City Manager

For questions, please contact Julie Edmonds-Mares, Deputy City Manager, at (408) 535-8155.



Memorandum

TO: HONORABLE MAYOR AND CITY
COUNCIL

FROM: Richard Doyle
City Attorney

SUBJECT: Housing and Community
Development Commission
Ordinance Amendments

DATE: January 22, 2016

RECOMMENDATION

1. Approve an ordinance amending Sections 2.08.2820 and 2.08.2850 of the San Jose Municipal Code to revise the composition of the Housing and Community Development Commission to include a representative owner or manager and a representative tenant of a residential rent stabilized rental building.
2. Designate Commissioner Michael Fitzgerald as the owner representative.

BACKGROUND

The Housing and Community Development Commission ("HCDC" or "Commission") was formed in July 2013 when the Housing and Community Development Advisory Commission was merged with the Advisory Commission on Rents ("ACR") and the Mobilehome Advisory Commission ("MAC"). It serves as the successor to ACR and MAC fulfilling their duties under the Mobilehome Rent Ordinance, Chapter 17.22 of the Municipal Code and the Rental Dispute Mediation and Arbitration Ordinance ("Apartment Rent Ordinance"), Chapter 17.23 of the Municipal Code. It was specifically created to fulfill the following functions related to Chapters 17.22 and 17.23:

1. Make recommendations to the city council regarding rules and regulations and amendments thereto which are necessary for the operation and administration of Chapter 17.22 or Chapter 17.23.
2. Make recommendations to the city council regarding changes in Chapter 17.22 or Chapter 17.23.
3. Pursuant to 17.23.490, make recommendations to the city council regarding the amount of the fee necessary to recover the costs of administering Chapter 17.23.

4. Pursuant to 17.22.910, make recommendations to the city council regarding the amount of the fee necessary to recover the costs of administering Chapter 17.22.
5. Make recommendations to staff regarding updates of the forms used in implementing Chapter 17.22 or Chapter 17.23.
6. Conduct such studies and submit to the city council and the city manager such reports or recommendations respecting mobilehome parks and mobilehome living in the City of San José as the council or the city manager may from time to time request.
7. Make recommendations to the city council regarding changes in provisions of Title 20 of this Code relating to mobilehomes and mobilehome parks.

Under Part 28 of Chapter 2.08 of the Municipal Code, the Commission is a thirteen (13) member body with seven (7) representative members with special eligibility requirements: (a) one member must be recommended by an organization of owners of San José mobilehome parks; (b) one member must be recommended by an organization of residents of San José mobilehome parks; and (c) at least five members must represent low income households. The mobilehome park owner and resident "designated representative" provisions were originally part of the MAC commission structure in Chapter 2.08. There were similar designated representative provisions and findings in the ACR commission structure in Chapter 2.08 but these were not carried over to the HCDC ordinance after the merger.

The purpose of this ordinance is to allow "designated representatives" on the Commission to represent owners and tenants of buildings subject to the Apartment Rent Ordinance ("residential rent stabilized buildings") for the reasons discussed below.

ANALYSIS

The proposed modifications to the ordinance establishing the Housing and Community Development Commission allow the Council to designate members of the Commission to represent: 1) tenants of residential rent stabilized units; and 2) owners of residential rent stabilized buildings. By doing this, the designated representatives will be allowed to participate in decisions that they may otherwise be disqualified from under the Political Reform Act and the Fair Political Practices Commission's (FPPC) regulations interpreting the Act.

Government Code Section 87103 is the provision of the Political Reform Act that specifies that a public official has a prohibited financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, **distinguishable from its effect on the public generally**, on certain specified financial interests of the official.

FPPC regulation 18703 (e) specifies certain circumstances when a financial effect is deemed indistinguishable from that of the public generally, including:

"(5) Required Representative Interest. The decision is made by a board or commission and the law that establishes the board or commission requires certain appointees have a representative interest in a particular industry, trade, or profession or other identified interest, and the public official is an appointed member representing that interest. This provision applies only if the effect is on the industry, trade, or profession or other identified represented and there is no unique effect on the official's interest."

As such, it is recommended that San José Municipal Code Section 2.08.2820 be amended to require that one member of the Housing and Community Development Commission be an owner or manager of a residential rent stabilized rental building; and one member be a tenant of a residential rent stabilized unit.

Additionally, it is recommended that Section 2.08.2850 be amended to include findings and declarations which provide that: (a) for the purposes of the owner or manager of a rent stabilized residential building who serves on the Commission, the San José rent stabilized apartment owner community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103; and (b) for purposes of the tenant who serves on the Commission, the San José residential rent stabilized tenant community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103. Together, these provisions allow the persons appointed to these representative positions to take action on issues related to the Apartment Rent Ordinance without violation of the general conflict of interest provisions of state and local law. It should be noted however, that even with these modifications, the "public generally" exception only applies if the effect is on the identified interest represented and there is no unique effect on the official's interest. For example, if the Commission were to take a position on a particular project in which a Commissioner resides as a tenant, that decision may have a unique effect on that Commissioner's financial interest requiring disqualification from participation on the part of the Commissioner.

There is currently one landlord of buildings subject to the Apartment Rent Ordinance on HCDC. Commissioner Michael Fitzgerald is the owner of residential rent stabilized residential buildings. He previously served as a designated owner representative on the former ACR. There are major policy decisions coming before HCDC regarding possible changes to the Apartment Rent Ordinance. Without this amendment, and the designation as owner representative, Commissioner Fitzgerald likely would be disqualified from participating in the discussion and recommendations made by HCDC on this issue.

There is currently no tenant of residential rent stabilized residential buildings on the Commission. In order to implement the provisions of this proposed amendment, the

HONORABLE MAYOR AND CITY COUNCIL

1/22/2016

Subject: **Amendment to Title 2.08.2820 and 2.08.2850**

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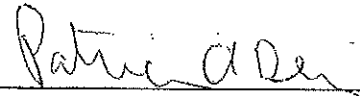
Council will need to appoint a tenant in a residential rent stabilized building to the Commission as the designated representative.

CEQA

Not a project, File No. PP10-068(c), Code or Policy change that involves no changes in the physical environment.

RICHARD DOYLE

City Attorney

By 

PATRICIA DEIGNAN

Chief Deputy City Attorney

For questions please contact Patricia Deignan, Chief Deputy City Attorney, at (408) 535-1900.